

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JOHN MARK WHATLEY

§

VS.

§

CIVIL ACTION NO. 1:09cv229

DIRECTOR, TDCJ-CID

§

MEMORANDUM OPINION

Petitioner John Mark Whatley, formerly an inmate in the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus.

In 2005, petitioner was convicted of several criminal offenses in the Criminal District Court of Jefferson County, Texas. He was sentenced to 5 years imprisonment. In this petition, petitioner does not challenge his criminal convictions. Instead, he complains that he has been improperly been denied release on mandatory supervision. On December 4, 2009, petitioner notified the court that he has been released on mandatory supervision.

Discussion

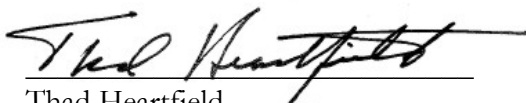
As set forth above, petitioner is not attempting to have his convictions invalidated. As a result, granting relief to petitioner would not shorten the amount of time during which he is subject to restraints on his liberty as a result of his conviction. Instead, granting relief to petitioner would only permit him to be

released from actual confinement. As petitioner has already been released from actual confinement, this petition is moot and will therefore be dismissed. See *Bailey v. Southerland*, 821 F.2d 277 (5th Cir. 1987).

Conclusion

For the reasons set forth above, this petition for writ of habeas corpus will be dismissed as moot. A final judgment shall be entered in accordance with this memorandum opinion. If petitioner believes his petition is not moot, he should file a motion asking the court to reconsider its decision.

SIGNED this the **23** day of **December, 2009**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge